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C O N F I D E N T I A L BOGOTA 003129

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E.O. 12958: DECL: 2019/10/05
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SUBJECT: SEPTEMBER HUMAN RIGHTS UPDATE

REF: REF A BOGOTA 0736; REF B BOGOTA 1826; REF C BOGOTA 2173
REF D BOGOTA 2920; REF E BOGOTA 2958; REF F BOGOTA 3035
REF G BOGOTA 3075

CLASSIFIED BY: Mark Wells, Political Counselor; REASON: 1.4(B), (D)

SUMMARY

¶1. (C) The United Nations Special Rapporteur for human rights defenders called on the GOC to increase dialogue with civil society and to allocate resources for criminal investigations into threats against defenders at the conclusion of her visit September 7-18. The United Nations Children's Fund presented a report on Children in Armed Conflict to the diplomatic community and outlined grave concerns over the recruitment of children by illegal armed groups. The Prosecutor General's office obtained convictions for crimes committed by the military and by the former paramilitary group United Self-Defense Forces of Colombia (AUC). Assistant Secretary of Defense Paul Stockton met with a prominent human rights non-governmental organization on September 23; Stockton expressed the USG's unequivocal support for the work of human rights defenders. End Summary.

SPECIAL RAPPORTEUR STRESSES SIGNIFICANT

PROBLEMS FOR HUMAN RIGHTS DEFENDERS

¶2. (U) United Nations (UN) Special Rapporteur for human rights defenders Margaret Sekaggya conducted a fact-finding mission in Colombia September 7-18; she visited Bogota, Barranquilla (Atlantico), Medellin (Antioquia), Cali (Valle del Cauca), and Arauca (Arauca). In her preliminary report, Sekaggya applauded the GOC for improvements in the overall security situation, the development of the Early Warning System, and the adoption of the Law on Intelligence and Counterintelligence. Still, she highlighted serious concerns including lack of dialogue between government and civil society; stigmatization of human rights workers by high-level government officials; patterns of harassment

and threats of human rights defenders by illegal armed groups and in some cases by government officials; impunity for violations committed against human rights defenders; ongoing illegal or politically-motivated surveillance and wiretapping (REFS E, F, G); and unfounded criminal proceedings based on that intelligence (REF C). Sekaggya will present her final report to the United Nations General Assembly in March 2010.

¶3. (C) In a meeting with the diplomatic community on September 16, Sekaggya described the types of threats directed at human rights defenders -- and in a new phenomenon, government workers responsible for protecting or monitoring human rights -- including pamphlets, emails, and obituaries (REF B). She warned that the "culture of threats is institutionalized." Publicly, Sekaggya expressed approval for the GOC's plans to reform the Ministry of Interior and Justice's protection program. Privately she told us that the protection program only addressed "symptoms" and that the GOC must dedicate more money and personnel to criminal investigations to determine the source of the threats and act accordingly.

CHILDREN AND ARMED CONFLICT

¶4. (U) United Nations Children's Fund (UNICEF) Colombia representative Paul Martin presented the UN Secretary General's report on the application of resolution 1612 -- a monitoring and reporting mechanism on the utilization of child soldiers -- to the diplomatic community on September 23. Martin outlined the significant issues that affect children in Colombia including recruitment by the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and illegal criminal groups; an alarming recruitment rate of indigenous children; strong links between child recruitment and increased displacement; the military's use of children for intelligence collection; extrajudicial killings of minors; rape of children, especially girls; forced abortions of girls recruited by the FARC; and attacks on schools. Martin praised the GOC's overall efforts to protect children, but deplored the low rate of prosecutions of violators of children's rights.

PROSECUTOR GENERAL'S OFFICE OBTAINS

SENTENCES FOR MILITARY HUMAN RIGHTS VIOLATIONS

¶5. (U) On September 26, Captain Cesar Romero Pradilla and Lieutenant Johan Jimenez Valencia, both retired from the Air Force, were convicted of voluntary manslaughter (homicidio doloso) and sentenced to 31 years and eight months of prison for their roles in the 1998 deaths of 17 people and injuries of 25 others in Santo Domingo (Arauca). Mario Jimenez Acosta was sentenced to six years house arrest for involuntary manslaughter (homicidio culposo). The Superior Tribunal of Bogota had overturned a lower court's conviction of Pradilla and Jimenez for involuntary manslaughter in February 2008 (REF A), and instead returned these stiffer sentences.

¶6. (U) The Prosecutor General's Human Rights Unit also obtained convictions in "false positive" -- military homicides presented as combat kills -- murders, including:

--Five soldiers from the counter-terrorism Pijao Battalion were convicted to 35 to 40 year prison terms for the April 2004 massacre of a family of five, including a minor child and an infant, in

Potosi de Cajamarca (Tolima).

--Professional soldier Rodrigo Antonio Hernandez Sucerquia, from the Alta Montana Battalion No. 4, was convicted to 27 years in prison for the May 2005 murder of Romulo Gomez.

PROSECUTOR GENERAL'S OFFICE OBTAINS

SENTENCES FOR PARAMILITARY HUMAN RIGHTS VIOLATIONS

17. (U) On September 18, Alcides Manuel Mattos Tavares, alias Samario, member of the former AUC, was sentenced to 9 years in prison for his involvement in the murders of Drummond union leaders Valmore Locarno Rodriguez and Victor Hugo Orcasita Amaya in March 2001 in Bosconia (Cesar). In early September, the Prosecutor General's Technical Investigation Corps (CTI) captured Jose Aristides Peinado for his alleged involvement in the murders. Jairo de Jesus Charris Castro was sentenced in August to 30 years in prison for this crime (REF D).

18. (U) Five members of the former AUC received 28 to 29 year sentences for their involvement in the July 2003 massacre of 5 people in the Esperanza farm in Guajira. Four of the five former paramilitaries remain at large.

19. (U) Narciso Fajardo Manrique was sentenced to 16 years in prison for his involvement in the March 2001 murders of local community leaders, Rodrigo Romero Montero and Jose Manuel Mahecha, in Caparrapi (Cundinamarca).

SUSPECT IN 2005 MASSACRE CAPTURED

110. (U) The Colombian National Police captured Yamid de Jesus Gonzalez Galaraga for his alleged involvement in the February 2005 massacre of eight people -- including three children -- in San Jose de Apartado and La Resbalosa (Cordoba).

CNP ESTABLISHES SPECIALIZED TASK FORCES

111. (U) The Colombian National Police (CNP) Chief General Oscar Naranjo announced September 2 that the CNP will form two specialized task forces to confront crimes against union members and threats against human rights defenders and union members. In total 163 investigators will be assigned to the two task forces.

ASSISTANT SECRETARY OF DEFENSE

MEETS WITH PROMINENT HUMAN RIGHTS NGO

¶12. (C) Assistant Secretary of Defense Paul Stockton met with Gloria Florez and Nancy Sanchez of MINGA, a human rights group focused on issues related to women in conflict. Florez acknowledged significant security improvements in recent years, but pointed to issues that remain human rights concerns, particularly high-level government stigmatization of human rights defenders and the false positives scandal. ASD Stockton emphasized the importance that the USG places on human rights, highlighted the role that civil society plays in ensuring those rights, and promised to convey MINGA's concerns to the Secretary of Defense.

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